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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Patent Application of
WINGER

Serial No. 09/509,021

Atty. Ref.: 723-835

Filed: August 25, 2000

Group: 2768

Examiner:

For: METHOD AND APPARATUS FOR VERIFYING
PRODUCT SALE TRANSACTIONS AND PROCESSING
PRODUCT RETURNS

* * * * *

April 9, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT AND
NOTICE OF RELATED LITIGATION**

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of the reference(s) is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement ("IDS") is being filed within three (3) months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

This IDS is being filed more than three (3) months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. I hereby certify that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(1).

b. I hereby certify that each enclosed document listed on the herewith Form PTO-1449 was first cited in the attached _____ Search Report, dated _____ issued in a counterpart foreign application not more than three months ago or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(2).

c. Attached is our check in the amount of \$180.00 in payment of the fee under 37

C.F.R. 1.17(p). Please credit or debit Dep Acct No. 14-1140 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.

This IDS is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check in the amount of \$180.00 to cover payment of the petition fee under 37 C.F.R. 1.17(I)(1). Please credit or debit Deposit Account No. 14-1140 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.

a. I hereby certify that each item of information contained in this IDS was first cited in the attached communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(1).

b. I hereby certify that no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(2).

Relevance of the non-English language reference(s) is discussed in the present specification.

The reference(s) was/were cited in

A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix hereto.

The Examiner's attention is directed to co-pending U.S. Patent Application No. , filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Please charge any fee associated with the filling of this paper to our Deposit Account No. 14-1140.

Notice of Related Litigation. A patent issued in the parent case and a patent issued in the parent of a related case for the instant case is currently being litigated. The caption for the pending litigation is set forth below. The patents involved in this litigation are U.S. Patent Nos. 6,018,719; 5,978,774; and 6,085,172. Should the Examiner have any questions concerning the litigation or desires any further information on the litigation, the Examiner is invited to contact the undersigned attorney.

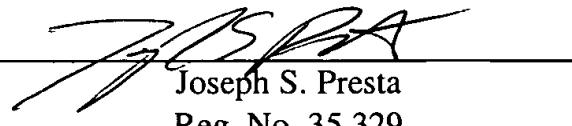
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NINTENDO OF AMERICA INC. and) No. C00-2066-C
SIRAS.COM INC.,)
)
Plaintiffs,)
)
vs.)
)
ORION AMERICA INC. and ORION SALES)
INC.,)
)
Defendants. _____

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


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